

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

3 UNITED STATES OF AMERICA) Docket No. A 15-CR-350(1) SS
4)
4 vs.) Austin, Texas
5)
5 DEQWON SAQUOD LEWIS) August 12, 2016

6
7 TRANSCRIPT OF SENTENCING
8 BEFORE THE HONORABLE SAM SPARKS

9 APPEARANCES:

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25 Proceedings reported by computerized stenography, transcript
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09:36:35 1 THE COURT: 15-CR-350, United States vs. Deqwon Saquod
09:36:40 2 Lewis.

09:36:40 3 MR. SPARKS: Grant Sparks for the United States.

09:36:42 4 MR. GONZALEZ-FALLA: Jose Gonzalez-Falla for Mr. Lewis,
09:36:44 5 your Honor.

09:36:44 6 Good morning.

09:36:44 7 THE COURT: Good morning.

09:36:54 8 Mr. Lewis, if you'll tell me your full name and your
09:36:56 9 birth date, please, sir.

09:36:58 10 THE DEFENDANT: Deqwon Saquod Lewis, September 19,
09:37:02 11 1985.

09:37:02 12 THE COURT: And you don't have to lean over. It will
09:37:04 13 pick up.

09:37:06 14 Have you had the opportunity to sit down with Mr.
09:37:11 15 Gonzalez-Falla and go over the presentence investigation made by
09:37:15 16 the United States Probation Department?

09:37:16 17 THE DEFENDANT: Yes, your Honor.

09:37:18 18 THE COURT: In addition to that, I have received a lot
09:37:21 19 of things in this case. Mainly, I have received a letter from
09:37:28 20 the defendant. I've received a letter from a sister and a mother
09:37:36 21 and a friend, and I will attach those to the presentence report,
09:37:46 22 since I have read and reviewed them, so that anybody that reviews
09:37:50 23 the presentence report will see the perspective, thoughts of
09:37:55 24 those people.

09:37:57 25 And then, I have a motion for downward variance that we

09:38:05 1 will go over, filed on behalf of the defendant, the government's
09:38:10 2 response to that, the reply to the government response to it, and
09:38:16 3 then, the government's notice of intent to offer evidence at
09:38:20 4 sentencing.

09:38:27 5 The United States Probation Department has calculated a
09:38:30 6 guideline range of 292 to 365 months, with the information Mr.
09:38:38 7 Lewis is 30 years of age. His criminal conduct consists of a
09:38:42 8 conviction of -- two convictions of driving with a suspended
09:38:46 9 license in 2005, in 2008, attempted assault and obstruction with
09:38:52 10 a police officer. He's had multiple -- over 20 traffic
09:39:01 11 violations. He was also convicted in 2009 for attempted fleeing
09:39:09 12 and eluding law enforcement officers. He has four outstanding
09:39:15 13 warrants, but they're all driving violations.

09:39:24 14 I have two objections by the defendant. First, the
09:39:27 15 role.

09:39:34 16 MR. GONZALEZ-FALLA: I think role, Judge, is the only
09:39:36 17 objection.

09:39:36 18 THE COURT: Yeah. That's just the organizer/leader.
09:39:38 19 Do you wish to present any evidence?

09:39:40 20 MR. GONZALEZ-FALLA: I don't, your Honor.

09:39:41 21 THE COURT: I've heard the trial.

09:39:42 22 MR. GONZALEZ-FALLA: The Court heard the trial, and I
09:39:44 23 think that there's not really any dispute concerning the facts.
09:39:46 24 I think it's just how they're applying. You know, it's just a
09:39:49 25 significant adjustment that he receives of, when you look at it,

09:39:54 1 four to five years, based on that adjustment, and I don't believe
09:39:56 2 that his role is that different than any other defendant to
09:39:59 3 warrant that kind of an increase in his punishment. So that's
09:40:02 4 the only -- and I've made my arguments in what I filed. So
09:40:05 5 that's all I have to say about that matter.

09:40:09 6 MR. SPARKS: Government's also raised --

09:40:10 7 THE COURT: Mr. Sparks, I guess, for the record, I
09:40:12 8 ought to say that you've heard this before, but we're not
09:40:15 9 related.

09:40:16 10 MR. SPARKS: Yes, sir. That is correct.

09:40:17 11 And the government has nothing to add other than the
09:40:20 12 summary that's set out in paragraph 26 of the presentence
09:40:22 13 investigation report, of course, the trial testimony. It's just
09:40:25 14 a different interpretation of the facts, your Honor.

09:40:29 15 THE COURT: Well, the objection is overruled.

09:40:32 16 Mr. Lewis was clearly in charge of this. Whether he
09:40:35 17 did it by conduct or intimidation, it doesn't really make any
09:40:39 18 difference. The truth of the matter is, of the two that were
09:40:44 19 charged with this crime, he was in charge of most things, like
09:40:52 20 where they were going to go, how they were going to go. The
09:40:58 21 codefendant, I had no evidence anywhere that she didn't do
09:41:06 22 anything that he didn't suggest or instruct.

09:41:11 23 So as far as the guidelines are concerned, he earned
09:41:16 24 the leader/organizer evaluation of II. He only gets II because
09:41:21 25 of the number of people involved in the criminal activity.

09:41:25 1 Do you know of any legal reason we shouldn't proceed
09:41:27 2 with sentencing?

09:41:28 3 MR. GONZALEZ-FALLA: No, your Honor.

09:41:29 4 THE COURT: Does the government have any reason not to
09:41:31 5 proceed?

09:41:31 6 MR. SPARKS: No, your Honor.

09:41:32 7 But you referenced the notice of intent to offer
09:41:36 8 evidence. It was document 101. I'd just offer Exhibits --
09:41:40 9 excuse me, Attachments A and B for sentencing purposes, just out
09:41:43 10 of an abundance of caution. I think it's probably part of the
09:41:46 11 record, but I thought I should say on record.

09:41:49 12 MR. GONZALEZ-FALLA: Recording and the transcript?

09:41:52 13 MR. SPARKS: Yes. The recording and the transcript.

09:41:53 14 THE COURT: What is the purpose of putting in the
09:41:56 15 record? I, of course, excluded it from the trial and --

09:42:03 16 MR. SPARKS: If I might, that's different --

09:42:04 17 THE COURT: I've heard it in pretrial motions and I
09:42:06 18 heard it in the trial to exclude it. I mean, there's got to be
09:42:15 19 some purpose.

09:42:16 20 MR. SPARKS: If I might, your Honor, that's a different
09:42:18 21 recording. The recording that I believe -- I may be incorrect --
09:42:22 22 that you're referencing was a -- was what I'm going to refer to
09:42:26 23 as the rap lyric recording.

09:42:28 24 THE COURT: Yeah.

09:42:29 25 MR. SPARKS: The CD attachment was presented and those

09:42:31 1 presented evidence was not a recording of the conversations that
09:42:33 2 took place between Mr. Lewis and Ms. Moore about -- in summary,
09:42:40 3 it's basically recruiting tactics and techniques and it's -- it
09:42:44 4 was a separate audio recording.

09:42:45 5 THE COURT: Okay. All right. Objection?

09:42:46 6 MR. GONZALEZ-FALLA: Well, no, Judge. I've received
09:42:49 7 notice of it. And I think you've got a summary of the
09:42:51 8 conversation. I don't know if we'd have to play it. I think --

09:42:54 9 THE COURT: No. I'm not going to play it.

09:42:55 10 MR. GONZALEZ-FALLA: Okay.

09:42:57 11 THE COURT: But I'll put it in the record for what it's
09:42:59 12 worth. It mainly has the words to the rap?

09:43:05 13 MR. GONZALEZ-FALLA: Well, Judge, he's actually talking
09:43:07 14 about -- as Mr. Sparks referred, about, you know, how to get
09:43:13 15 money, how to -- it's --

09:43:15 16 THE COURT: How not to work.

09:43:16 17 MR. GONZALEZ-FALLA: How not to work. Exactly.

09:43:19 18 THE COURT: Yeah.

09:43:19 19 MR. GONZALEZ-FALLA: How to have other people work so
09:43:21 20 you don't have to.

09:43:22 21 THE COURT: I don't think the song is going to sell any
09:43:24 22 records.

09:43:26 23 Okay. Well, with that out of the way, Mr. Lewis wrote
09:43:33 24 a good letter. The problem with this is from an objective
09:43:38 25 view -- I don't know if you can have an objective view -- the

09:43:44 1 criminal activities is so bad. That's why the guidelines are so
09:43:50 2 high. The activities that you participated in and your personal
09:43:57 3 activities that I heard in the trial, it's hard for me to believe
09:44:04 4 a person would do that. As a matter of fact, it's almost
09:44:08 5 impossible for me to believe a person would do that.

09:44:12 6 And yet, I get a nice, intelligent letter from you and
09:44:17 7 here you are. But you have the right to say anything that you
09:44:21 8 wish. I'll be glad to listen to you.

09:44:23 9 THE DEFENDANT: Thank you, your Honor.

09:44:25 10 I just want to say as far as the victims that affected
09:44:31 11 -- that was affected in this crime, that my dearest sympathies go
09:44:37 12 out to them and their families, that somehow they can hopefully
09:44:44 13 -- I pray every night that they could just put this behind them,
09:44:47 14 continue with they life and be successful and do whatever they
09:44:50 15 have planned that they want to do with they life.

09:44:53 16 I just want to say that having time to sit down and
09:44:58 17 have a clear mind and not be doing drugs every day, I realize a
09:45:03 18 person who try to hustle and manipulate and scheme to get money
09:45:11 19 is just a foolish person to be called a man. I never want to be
09:45:17 20 associated with anything like this ever again in my life. That's
09:45:23 21 really all I have to say, your Honor. Appreciate it.

09:45:27 22 MR. GONZALEZ-FALLA: Judge, I think I've laid out my
09:45:29 23 argument and I don't really want to go over them again. I know
09:45:31 24 the Court has read what I filed. I think that what I'm
09:45:34 25 requesting is a 15-year sentence. The government's asking for 25

09:45:38 1 years. We're both seeking substantial -- we both believe that
09:45:41 2 substantial sentences are appropriate. The guidelines are
09:45:43 3 certainly extraordinarily high.

09:45:47 4 And it is a serious case. And as I've explained, the
09:45:53 5 factors that really drive the punishment, when you look through
09:45:56 6 them and then, you look at Mr. Lewis, I believe that a 180-month
09:46:00 7 sentence would be a fair and just sentence. It certainly is a --
09:46:03 8 it's the kind of sentence that you see imposed on serious drug
09:46:05 9 traffickers, on people who possess firearms that have violent
09:46:09 10 felony records, on people who kill other people.

09:46:11 11 This is not a second-chance sentence. This is a
09:46:16 12 "That's it. You are going to be incapacitated and society is
09:46:21 13 going to be protected." And that's what that sentence says and
09:46:23 14 that's what will happen, whether it's 15 or 25. And the question
09:46:27 15 is whether the 25 is necessary. And I understand that that's
09:46:30 16 what the guidelines are recommending. They certainly reflect the
09:46:35 17 gravity of the situation.

09:46:38 18 I don't know that Mr. Lewis, certainly when he was
09:46:42 19 driving around and doing the drugs and engaged in this awful
09:46:46 20 activity, fully appreciated just how wrong it was. He was in a
09:46:52 21 different place than he is now and that he has been as he's been
09:46:56 22 sitting in jail for all this time. You know, the most time that
09:47:00 23 he'd done before was four days. And it's just been a real
09:47:06 24 wake-up for him. And when he emerges from prison, whether he's
09:47:09 25 45 or 55 years old, it will be an experience that will change

09:47:13 1 him.

09:47:15 2 And so, I'm just asking Mr. -- you know, Mr. Lewis has
09:47:18 3 reflected on what he has done and how he has affected other
09:47:21 4 people. I certainly saw it and I certainly didn't -- and I am
09:47:28 5 very sensitive to the harm that his activity caused other people,
09:47:35 6 and I think he's aware of that, as well.

09:47:37 7 So that said, Judge, I have nothing further to add
09:47:42 8 other than just you have what we've written and I believe that
09:47:44 9 that will be a fair and just sentence.

09:47:47 10 MR. SPARKS: Just two things from the government, your
09:47:49 11 Honor.

09:47:49 12 The suggestion of a 25-year sentence was meant -- as
09:47:54 13 set out in my pleading, was meant to be a "for." Something less
09:48:01 14 than 25 certainly would not be merited, but certainly something
09:48:04 15 more is merited based on the facts in this case and Mr. Lewis'
09:48:07 16 involvement.

09:48:07 17 The other thing that's -- the only other thing to add
09:48:12 18 containing our pleading and our position, as well, is that C.M.,
09:48:16 19 minor from Ohio, is not able to be present. So her testimony
09:48:22 20 serves as her victim impact statement in this case, which you
09:48:25 21 heard her testimony. She was damaged physically, emotionally,
09:48:29 22 psychologically and, turns out, has had some financial
09:48:33 23 consequences, as well, on her.

09:48:36 24 THE COURT: It's my understanding none of the victims
09:48:40 25 made a claim.

09:48:41 1 PROBATION OFFICER: That's correct, your Honor.

09:48:43 2 MR. SPARKS: No claims were made. I do anticipate a
09:48:45 3 victim impact statement on behalf of the other victim in the case
09:48:51 4 here at the appropriate time. The only other thing mentioned in
09:48:54 5 terms of just victim impact is --

09:48:57 6 THE COURT: What do you mean at the appropriate time?
09:48:58 7 This is sentencing.

09:48:59 8 MR. SPARKS: Well, I mean just in a few minutes, which
09:49:01 9 I'm sure --

09:49:02 10 THE COURT: Oh, I'm sorry.

09:49:03 11 MR. SPARKS: Yes, sir.

09:49:04 12 And the other only thing to add, really, in terms of
09:49:08 13 the victim that is not present, of course you heard the testimony
09:49:12 14 about the whipping and all that. As bad as that is, it's -- as
09:49:18 15 related, it's the memories of the sexual violence that the man
09:49:23 16 perpetrated on her that's going to stick with her for a lifetime,
09:49:27 17 more than that whipping, as bad as that was. And I know the
09:49:30 18 Court's going to take that into consideration.

09:49:35 19 THE COURT: Probation have anything they wish to say?

09:49:37 20 PROBATION OFFICER: No, your Honor.

09:49:38 21 THE COURT: Anybody wishes to speak at this sentencing?

09:49:56 22 MR. DAVID M.: Sir, my name's David M. I'm K. -- or,
09:50:00 23 I'm sorry. I'm one of the victims that was -- it's just hard for
09:50:09 24 me, sir. It really is. My daughter wrote, you know, the victim
09:50:14 25 impact statement. I can't forgive right now. I really can't. I

09:50:18 1 just -- it's a gross -- it's an atrocity. I'm just saddened that
09:50:23 2 he would come to our state and try to take our children and do
09:50:26 3 things that he's done, and then, have a trial that we're paying
09:50:32 4 for, and to smirk and the tone of his attitude has totally
09:50:38 5 changed since then, of course. But I still have no remorse for
09:50:41 6 him for what he's done.

09:50:42 7 This is from my daughter:

09:50:45 8 There's no easy way to start this letter. My dad told
09:50:49 9 me that I should write a letter, but honestly, I could care less
09:50:51 10 to take the time to do this. I'm doing this for my dad. On
09:50:56 11 Wednesday, August 10, I turn 16, and even though I spent it in
09:51:00 12 juvie, or juvenile detention, it was better -- it was a better
09:51:06 13 birthday than last year when I was with both of you. I'm not
09:51:10 14 going to say you took my innocence from me because I'm not
09:51:12 15 innocent, but you took the last of my innocence away.

09:51:16 16 Deqwon, I thought I was in love with you. I just
09:51:20 17 wanted to show you that I was loyal and would do whatever it
09:51:24 18 would take to make you happy. Now that I know that you didn't
09:51:27 19 care about me or C., you make me sick. And I'm so glad that your
09:51:33 20 baby momma doesn't allow you to see your daughter because you are
09:51:36 21 a horrible man, and your daughter's better off with just her mom
09:51:40 22 because her dad is a disgusting, perverted lowlife and a sorry
09:51:45 23 excuse of a man. Imagine if a man did the things you did to me
09:51:49 24 to your daughter. Really, just think about it.

09:51:56 25 Even though it was a bad experience, I would not take

09:51:59 1 it back. I used to think I didn't have a purpose in life, but
09:52:02 2 God has shown me the way. I have a story and I want to share it
09:52:06 3 with as many people as I can. I want to be a voice for all of
09:52:10 4 the girls out there who have been trafficked and are too scared
09:52:15 5 to speak up. I want to help as many of these girls that I can.
09:52:19 6 I also want to let y'all know that I forgive both of you.

09:52:24 7 God has taught me how to forgive, even at the hardest
09:52:26 8 times. God has helped me to realize what love really is. God is
09:52:31 9 the one and only man that I will let have control over my life.
09:52:35 10 Thank you for helping me open my eyes and see that living the
09:52:38 11 fast life is not all it adds up to be. This experience has made
09:52:42 12 me a stronger person and has helped me to get closer to my dad.

09:52:47 13 So thank both of you. I hope that you really think
09:52:49 14 about how you have been as people. I hope while you both are in
09:52:55 15 there, you'll have time to let God into your hearts. You both
09:52:59 16 have helped me to be a strong-minded person. Believe it or not,
09:53:02 17 God will help you find your inner peace. I think you both should
09:53:07 18 give me -- give Him a chance. God, that's what she was talking
09:53:11 19 about. You never really realize how strong you are until you
09:53:14 20 have no choice but to stay strong.

09:53:17 21 I thought after all of this, I would hate both of you,
09:53:19 22 but honestly, I feel bad for you both because the decisions and
09:53:23 23 things you did show -- you did show how weak of a person you both
09:53:27 24 are. God can make you strong and that's a fact because he made
09:53:32 25 me strong. K.

09:53:34 1 I also wanted to add, I did a little research in just
09:53:39 2 looking and Michigan was ranked second. Of course, it's the
09:53:42 3 internet, so I'm not positive about, you know. But the Michigan
09:53:45 4 is the number two rated in human trafficking in the United States
09:53:49 5 other than Nevada.

09:53:52 6 My opinion is, don't mess with Texas. Don't come to
09:53:55 7 our state, don't try to mess with our kids. I was in here, I
09:54:02 8 looked around and saw all of this youth, all of this innocence.
09:54:04 9 And for you to come into our state, back and forth, and try to
09:54:08 10 take my daughter, I probably won't ever forgive you. But like I
09:54:15 11 said, you need to find God.

09:54:17 12 And I ask that you give him the maximum sentence
09:54:20 13 because the arrogance, and then, the ploy to put her on -- one or
09:54:25 14 the other, they both knew what they were doing. I know that
09:54:30 15 Starisha had given a statement when they picked her up when they
09:54:32 16 were transferring her with Reid that she was educated. She was
09:54:35 17 well-educated. So she knew what she was doing and he did, too.

09:54:40 18 Judge, I'd like to thank you, sir, for your time and
09:54:45 19 efforts for the trial. I know it was a long trial. I would like
09:54:48 20 to thank the federal government, the city of Lubbock, Flint,
09:54:52 21 Michigan, all the law enforcement, the DPS, everyone involved in
09:54:55 22 there. And I just beg of you, sir, to please give him the
09:54:59 23 maximum amount because I don't want to see it happen to anyone
09:55:03 24 else.

09:55:05 25 And there's no reason to be nice. I mean, the guy's

09:55:09 1 not even a part of his family's life. That's the problem with
09:55:13 2 our society nowadays. It's easy to make them, but it's -- takes
09:55:17 3 a real man to raise them. Thank you, sir.

09:55:26 4 THE COURT: Anyone else? Anything else, Mr. Lewis? Do
09:55:44 5 you have anything else you want to say, sir?

09:55:49 6 THE DEFENDANT: No, your Honor.

09:55:51 7 MR. GONZALEZ-FALLA: No, your Honor.

09:55:52 8 THE COURT: All right. Okay.

09:55:55 9 Deqwon Saquod Lewis, I sentence you to a term in the
09:55:59 10 penitentiary of 300 months. It's a guideline sentence. It's not
09:56:14 11 the maximum sentence, and the reason for it is that your criminal
09:56:19 12 history is not calculated high under the federal law. 300 months
09:56:26 13 is a long time in custody. That will be 300 months on Count 1,
09:56:33 14 300 months on Count 2, 300 months on Count 3 to run concurrent
09:56:37 15 for a total of 300 months.

09:56:40 16 Following that, you will have five years of supervision
09:56:49 17 on Count 1, five years of supervision on Count 2, five years of
09:56:54 18 supervision on Count 3. They will run concurrent.

09:57:02 19 Because of the nature of your background with regard to
09:57:05 20 consumption of drugs, you will not take any illegal drugs. You
09:57:11 21 will not drink alcohol. You'll be -- because of your conduct in
09:57:20 22 this case, obvious that you are in need of mental health
09:57:28 23 programs. So no alcohol consumption. Drug abuse and mental
09:57:33 24 health programs will be available. You will be tested, counseled
09:57:41 25 and participate in those programs, if necessary.

09:57:56 1 In the event of any mental health program, if a
09:58:01 2 physician prescribes medication, you will take it. You have been
09:58:09 3 convicted of a sexual offense, I assume, required to register.

09:58:15 4 PROBATION OFFICER: Yes, your Honor.

09:58:20 5 THE COURT: So you are mandated by the Sex Offender
09:58:23 6 Registration and Notification Act. You will participate in a sex
09:58:33 7 offender treatment program approved by the probation officer.
09:58:36 8 You will abide by all program rules, requirements and conditions
09:58:40 9 of the sex offender treatment program, including the submission
09:58:44 10 to polygraph testing to determine if you're in compliance with
09:58:48 11 the condition of release. You may be required to contribute to
09:58:51 12 the cost of services based on your ability to pay.

09:58:57 13 Since you're required to register under the Sex
09:58:59 14 Offender and Registration Notification Act, you will submit your
09:59:02 15 person and any property, house, residence, vehicle, papers,
09:59:06 16 computers, or other electronic, or data storage devices, or media
09:59:12 17 and effects to a search at any time during the five years with or
09:59:16 18 without a warrant by any law enforcement or probation officer
09:59:20 19 with reasonable suspicion concerning a violation of condition of
09:59:23 20 supervision or a violation of the law.

09:59:28 21 You'll be required to submit to periodic polygraph
09:59:32 22 testing at the direction of the probation officer as a means to
09:59:35 23 ensure that you're in compliance with the requirements of
09:59:37 24 supervision in the program. You may be required to contribute to
09:59:41 25 the cost of services based on your ability to pay. You will

1 follow all of the lifestyle restrictions or treatment
2 requirements that are set out in the program by the probation
3 officer through the court; and you will continue those
4 restrictions as they pertain to avoiding risk situations
5 throughout the course of supervision.

6 This requires not residing or going to places where
7 minor or minors are known to frequent without prior approval of
8 the probation officer. You will not associate with any child or
9 children under the age of 18, except in the presence and
10 supervision of an adult, specifically designated in writing by
11 the probation officer. The probation officer will notify the
12 designated adult of the risk occasioned by your criminal record
13 or personal history and characteristics. You will permit the
14 probation officer to make that notification.

15 And you will have no contact of any nature with the
16 victims in this case, C.M. or K.M. Because of your financial
17 condition, I don't impose any fine, but I do impose the mandatory
18 \$100 assessment under the Victims of Crime Act on each count for
19 a total of \$300, which you must pay immediately or work out at
20 your earliest opportunity.

21 All other terms and conditions of supervision in the
22 standing order of this district will be in full force and effect.
23 Any other conditions that are necessary?

24 PROBATION OFFICER: No, your Honor.

25 THE COURT: Let the record reflect no claim has been

10:01:48 1 made; and therefore, there is no restitution involved in the
10:01:51 2 case.

10:01:52 3 I'm going to seal the presentence investigation.
10:01:54 4 Nobody can come in and read about you, Mr. Lewis. I've attached
10:01:58 5 all of the letters that I have received, including yours, to it
10:02:03 6 so anybody would -- who reads it will see those perspectives.

10:02:13 7 I have overruled the motion for downward variance. My
10:02:21 8 last comment in this case is, for those of you out there watch on
10:02:33 9 television that tell me that marihuana isn't dangerous, this case
10:02:37 10 is all about marihuana. Every damn minute of it. So as you go
10:02:48 11 home to your children and your loved ones, remember this case.
10:02:55 12 It doesn't make any difference the age. Didn't make any
10:02:59 13 difference to anything of this horrible case if you had to sit
10:03:05 14 down and listen to the evidence. It's all about marihuana.
10:03:16 15 What, 25 states are going to try to legalize it? If so, we'll
10:03:22 16 have more of these.

10:03:24 17 My last obligation to you is to give you this letter.
10:03:31 18 You have 14 days from today to instruct Mr. Gonzalez-Falla to
10:03:35 19 file a notice of appeal. You have the right to appeal anything
10:03:39 20 that occurred during the trial, pretrial, or anything in this
10:03:43 21 sentence. All you have to do is instruct him to file a notice of
10:03:47 22 appeal, and he's required to do it and he will do it.

10:03:51 23 Mr. Gonzalez-Falla.

10:03:53 24 MR. GONZALEZ-FALLA: Yeah. There is one objection to
10:03:55 25 the conditions of release that I think Mr. Peterson would like

10:03:58 1 to --

10:03:58 2 THE COURT: Yes.

10:03:59 3 MR. PETERSON: Good morning, your Honor.

10:04:00 4 I've been tasked with this. It's -- we object to the
10:04:05 5 requirement that as a condition of supervised release, Mr. Lewis
10:04:10 6 be required to follow all lifestyle restrictions and treatment
10:04:13 7 requirements imposed by the therapist. We believe the Fifth
10:04:16 8 Circuit has ruled --

10:04:17 9 THE COURT: If you would read the transcript, you will
10:04:21 10 see as directed by the Court.

10:04:24 11 MR. PETERSON: As directed by the Court. I'm still not
10:04:27 12 sure in the light of changing case law that that's not an
10:04:31 13 improper delegation of authority. So I need to preserve that
10:04:34 14 objection since that is actually developing since very recently
10:04:38 15 under United States vs. Morin.

10:04:40 16 THE COURT: Well, let's just make it clear so that you
10:04:45 17 can tell the circuit. The Judge will order any recommendations
10:04:53 18 by the therapist that the Judge believes are appropriate.

10:04:58 19 MR. PETERSON: Yes, your Honor.

10:05:00 20 We'd also renew -- well, we'd object to the sufficiency
10:05:03 21 of -- we'd object to the sentence under 3553(a), in light of our
10:05:07 22 motion for a downward variance, as greater than necessary under
10:05:15 23 3553(a), your Honor.

10:05:16 24 THE COURT: Well, if I'd followed 3553(a), I would have
10:05:21 25 sentenced him to 360 months. That objection's overruled.

10:05:29 1 MR. GONZALEZ-FALLA: Judge, would you recommend him for
10:05:30 2 placement in Michigan? Or, actually, Georgia where his father
10:05:32 3 resides?

10:05:33 4 THE COURT: I have no -- just give me the town.

10:05:35 5 MR. GONZALEZ-FALLA: Well, his father lives in Atlanta.
10:05:38 6 Atlanta, Georgia, your Honor.

10:05:39 7 THE COURT: Close to Atlanta as possible. I don't have
10:05:43 8 an objection no that.

10:05:44 9 MR. SPARKS: Judge, there's a new Justice For Victims
10:05:47 10 of Trafficking Act that mandates a \$5,000 fee for any
10:05:52 11 non-indigent defendant for each count of conviction. Government
10:05:57 12 is not -- our position isn't that he is not indigent. We believe
10:06:02 13 he is. But I think in light of the new statute, I think there
10:06:05 14 may need to be a finding of indigency so that 5,000 per count of
10:06:10 15 conviction is not assessed, your Honor.

10:06:12 16 THE COURT: Well, there's no question that he's
10:06:14 17 indigent. He's sitting here with a federal public defender who
10:06:17 18 is an outstanding lawyer. He's got good representation, but I've
10:06:21 19 appointed him. So that's why I didn't bring it up. He's not
10:06:26 20 going to qualify on that. He's not going to be required to pay
10:06:29 21 on that. He doesn't have anything to pay.

10:06:33 22 Anything else, Mr. Gonzalez?

10:06:35 23 MR. GONZALEZ-FALLA: No, your Honor. Thank you.

10:06:36 24 THE COURT: Okay. I remand him.

25 (End of proceedings.)

* * * * *

UNITED STATES DISTRICT COURT)
WESTERN DISTRICT OF TEXAS)

I, LILY I. REZNIK, Certified Realtime Reporter, Registered Merit Reporter, in my capacity as Official Court Reporter of the United States District Court, Western District of Texas, do certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

WITNESS MY OFFICIAL HAND this the 22nd day of September, 2016.

/s/Lily I. Reznik
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